

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-9 are currently pending, Claims 1-5, 7, and 9 having been amended. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on original Claims 2 and 3-5; and Fig. 5.

In the outstanding Office Action, Claim 9 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claims 1, 2, and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee et al. (U.S. Pub. No. 2003/0112773, hereafter “Lee”); in view of Chen et al. (U.S. Pub. No. 2003/0134655, hereafter “Chen”); Claims 6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of Chen and the Applicants’ Admitted Prior Art (AAPA); and Claims 3-5 and 7 were objected to as being dependent upon a rejected base claim but containing allowable subject matter.

Applicants thank the examiner for the indication of allowable subject matter. In view of this indication, Claims 3-5 and 7 have been amended to be in independent form, and including all the features their base claims. Therefore, Applicants respectfully submit that Claims 3-5 and 7 are in condition for allowance.

With respect to the rejection of Claim 9 under 35 U.S.C. §101, Applicants respectfully submit that the present amendment to Claim 9 ties the claimed method to a particular apparatus such as “a radio communications control device.” Therefore, Applicants respectfully submit that this ground of rejection is overcome.

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully submit that the present amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

a transmission power controller configured to control the transmission power of the shared control channel based on a transmission power of a dedicated channel accompanying the shared control channel and the communication quality of the shared control channel received from the determination unit by adding a power offset to a value of the transmission power of the dedicated channel, said power offset being determined based on at least one of a block error rate of the shared control channel and a service type of the shared packet channel.

Applicants respectfully submit that applied art fails to disclose or suggest these features of amended Claim 1.

Lee is directed to a method of controlling the transmission power of the high-speed downlink shared channel (HS-SCCH) in a high speed downlink packet access (HSDPA) system. Lee describes a base station receiving a transmit power control (TPC) command from a mobile station and determining a transmission power of a downlink dedicated physical channel (DL DPCH) based on the TPC command, and determining transmission power of the HS-SCCH channel transmitted to each mobile station by using a power offset value related to transmission power of the DL DPCH (see para. [0021] and [0046]). Therefore, in Lee, the determination of transmission power of the downlink shared control channel (HS-SCCH) is based on the power control of the downlink dedicated physical channel.

With respect to previous Claim 2, the Office Action had taken the position that Lee discloses “the transmission power controller is configured to set the transmission power of the shared control channel, by changing the transmission power of the dedicated channel based on a power offset; and the transmission power controller is configured to control the power offset in accordance with the communication quality of the shared control channel.” (See Office Action, at page 4, citing para. [0021] and [0055]). As discussed above, Lee describes determining a transmission power of the shared control channel transmitted to each mobile station by using a power offset value related to transmission power of the downlink dedicated channel (see para. [0021]). Lee also describes that when determining the power

offset of the shared channel (HS-SCCH), *different power offset values are used according to whether the DL DPCH is in soft handover or not* (see para. [0057]).

However, Lee does not explicitly describe using a power offset “*based on at least one of a block error rate of the shared control channel and a service type of the shared packet channel,*” as defined by amended Claim 1.

Therefore, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Lee.

Chen and the AAPA have been considered but fail to remedy the deficiencies of Lee with regard to amended Claim 1. Therefore, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Lee, Chen, and the AAPA, either alone or in proper combination.

Amended independent Claim 9 recites features similar to those of amended Claim 1 discussed above. Therefore, Applicants respectfully submit that amended Claim 9 patentably distinguishes over Lee, Chen, and the AAPA, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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